

### **REMARKS**

This paper responds to the Office Action dated September 30, 2005.

Claims 1, 6, 13, 15, 16, 29, 30 are amended. Claims 7-12, 23-28, and 33-37 are canceled without disclaimer or prejudice. Claims 38-46 are added. As a result, claims 1-6, 13-22, 29-32, and 38-46 are now pending in this application.

Applicant submits that claims 7-11, 23-27, and 34-37 recite structural features that are patentable over the cited art. However, to expedite prosecution, Applicant cancels claims 7-11, 23-27, and 34-37 without disclaimer or prejudice. Applicant may reintroduce claims 7-11, 23-27, and 34-37 in this application or in another application.

### **Claim Objections**

Claims 10 and 16 were objected to because of informalities. As indicated above, claim 10 is canceled without disclaimer or prejudice. Claim 16 is amended to correct the informalities. Accordingly, Applicant requests reconsideration and withdrawal of the objections.

### **Reservation of the Right to Swear Behind References**

Applicant maintains the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

### **§102 Rejection of the Claims**

**Claims 1-3, 6-11, 14, 30, 31 and 33-37 were rejected under 35 U.S.C. § 102(e) for anticipation by Searls et al. (U.S. 6,856,016, hereinafter Searls).**

Applicant respectfully traverses for at least the reasons presented below.

Independent claim 1 is amended and recites the things at least similar to those of the allowable claim 13. For example, claim 1 recites, among other things, a plurality of nanostructure in which "the nanostructures having a plurality of polymer molecules, the polymer molecules including deoxyribonucleic acid (DNA) molecules". Applicant is unable to find in Searls a plurality of nanostructure in which "the nanostructures having a plurality of polymer

molecules, the polymer molecules including deoxyribonucleic acid (DNA) molecules".

Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claim 1.

Dependent claims 2, 3, 6, and 14 depend from claim 1 and recite the things of claim 1. Thus, Applicant believes that claims 2, 3, 6, and 14 are also not anticipated by Searls for reasons at least similar to those discussed above regarding claim 1, and for the additional things recited in claims 2, 3, 6, and 14. Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claims 2, 3, 6, and 14.

Independent claim 30 is amended and recites the things at least similar to those of the allowable claim 13. For example, claim 30 recites, among other things, a plurality of nanostructure in which "the nanostructures having a plurality of polymer molecules, the polymer molecules including deoxyribonucleic acid (DNA) molecules". Applicant is unable to find in Searls a plurality of nanostructure in which "the nanostructures having a plurality of polymer molecules, the polymer molecules including deoxyribonucleic acid (DNA) molecules". Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claim 30.

Dependent claim 31 depends from claim 30 and recites the things of claim 30. Thus, Applicant believes that claim 31 is also not anticipated by Searls for reasons at least similar to those discussed above regarding claim 30, and for the additional things recited in claim 31. Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claim 31.

### §103 Rejection of the Claims

**Claims 4, 5 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Searls et al. in view of Chen et al. (U.S. 2005/0059238, hereinafter Chen 2005).**

Applicant respectfully traverses for at least the reasons presented below.

Dependent claims 4 and 5 depend from claim 1 and recite the things of claim 1. Thus, Applicant believes that claims 4 and 5 are patentable over Searls and Chen 2005, either individual or in the proposed combination, for reasons at least similar to those discussed above regarding claim 1, and for the additional things recited in claims 4 and 5. Accordingly,

Applicant requests reconsideration and withdrawal of the rejection, and allowance of claims 4 and 5.

Dependent claim 32 depends from claim 30 and recites the things of claim 30. Thus, Applicant believes that claim 32 is patentable over Searls and Chen 2005, either individual or in the proposed combination, for reasons at least similar to those discussed above regarding claim 30, and for the additional things recited in claim 32. Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claim 32.

**Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Searls et al. in view of Chen et al. (U.S. 2004/0125565, hereinafter Chen 2004).**

Applicant respectfully traverses for at least the reasons presented below.

Applicant does not admit that Searls and Chen 2004 are prior art with respect to claim 12. However, as indicated above, claim 12 is canceled without disclaimer or prejudice.

**Claims 15, 17-19 and 22-27 rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasher (U.S. 2005/0105272) in view of Searls et al.**

Applicant respectfully traverses for at least the reasons presented below.

Independent claim 15 is amended and recites the things at least similar to those of the allowable claim 13. For example, claim 15 recites, among other things, a plurality of nanostructure in which "the nanostructures having a plurality of polymer molecules, the polymer molecules including deoxyribonucleic acid (DNA) molecules". Applicant is unable to find in Prasher and Searls, either individual or in the proposed combination, a plurality of nanostructure in which "the nanostructures having a plurality of polymer molecules, the polymer molecules including deoxyribonucleic acid (DNA) molecules". Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claim 15.

Dependent claims 17-19 and 22 depend from claim 15 and recite the things of claim 15. Thus, Applicant believes that claims 17-19 and 22 are also patentable over Prasher and Searls, either individual or in the proposed combination, for reasons at least similar to those discussed above regarding claim 15, and for the additional things recited in claims 17-19 and 22. Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claims 17-19 and 22.

**Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasher and Searls et al. as applied to claims 15 and 18 above, and further in view of Tobita et al. (U.S. 6,730,731, hereinafter Tobita).**

Applicant respectfully traverses for at least the reasons presented below.

Dependent claim 16 depends from claim 15 and recites the things of claim 15. Thus, Applicant believes that claim 16 is also patentable over Prasher, Searls, and Tobita, either individual or in any proposed combination, for reasons at least similar to those discussed above regarding claim 15, and for the additional things recited in claim 16. Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claim 16.

**Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasher and Searls et al. as applied to 15 and 18 above, and further in view of Chen et al. (2005).**

Applicant respectfully traverses for at least the reasons presented below.

Dependent claims 20 and 21 depend from claim 15 and recite the things of claim 15. Thus, Applicant believes that claims 20 and 21 are also patentable over Prasher, Searls, and Chen 2005, either individual or in any proposed combination, for reasons at least similar to those discussed above regarding claim 15, and for the additional things recited in claims 20 and 21. Accordingly, Applicant requests reconsideration and withdrawal of the rejection, and allowance of claims 20 and 21.

**Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Prasher and Searls et al. as applied to claim 27 above, and further in view of Chen et al. (2004).**

Applicant respectfully traverses for at least the reasons presented below.

Applicant does not admit that Prasher, Searls, and Chen 2004 are prior art with respect to claim 28. However, as indicated above, claim 28 is canceled without disclaimer or prejudice.

Allowable Subject Matter

Claims 13 and 29 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13 and 29 are rewritten in independent form. The rewriting does not alter the scope of claim 13 and 19. Thus, claims 13 and 19 are now in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6969 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

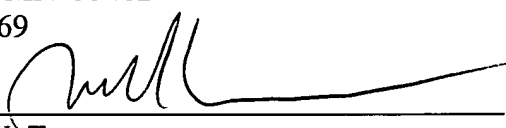
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Date 29 December 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29th day of December, 2005.

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Name

  
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